IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 15212 of 2004

Between:

M/s. Apex Exports, Panasapadu,

Kakinada - 5, East Godavari District, Andhra Pradesh,
rep. by its Managing Partner, K.S. Murthy, S/o. Venkata Subba Rao,
Kakinada, East Godavari District.

..... PETITIONER

AND

1. The Government of Andhra Pradesh,

rep. by its Secretary,

Agriculture & Cooperation (Marketing II) Department,

Secretariat, Hyderabad.
2. The Commissioner and Director of Marketing,

Government of Andhra Pradesh, Hyderabad.
3. The Agricultural Market Committee,

Kakinada, East Godavari District,
rep. by its Selection Grade Secretary

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the Circular No. I(2)119/03 dated 28-7-2004 issued by the 2nd respondent directing the 3rd Respondent to collect Development Cess at the rate of Rs. 0.5% on Aqua products (Prawns) meant for export and the consequential instructions of the 3rd

respondent directing the Petitioner to pay Development Cess at the rate of Rs.0.5% before exporting the products as illegal, arbitrary, unreasonable, null and void, without jurisdiction and without power or authority of law and ultravires the provisions of the Andhra Pradesh (Agricultural and produce & Livestock) Market Act, 1966 and violation of Articles 14, 19 (1) (g) of the Constitution of India and consequently direct the Respondents not to collect the same.

Counsel for the Petitioner: MR.A.V.SESHA SAI

Counsel for the Respondents 1 & 2: G.P. for Agriculture

Counsel for the Respondent No.3: MR.P.VENKATESWARLU

The Court made the following:

ORDER:

It is submitted by the learned counsel for the petitioner and the learned Government Pleader that the impugned Circular No.L(2)1257/2004 dated 31-08-2004 has already been withdrawn by the Government.

Recording the same, no orders are necessary and the writ petition is accordingly dismissed. No order as to costs.

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B. PRAKASH RAO, J

Dated: 03-09-2004

LSK/SJ

To

1. The Secretary,

Agriculture and Co.operation (Marketing II) Department,

Secretariat, Hyderabad.
2. The Commissioner and Director of Marketing,

Government of Andhra Pradesh,

Hyderabad.
3. The Selection Grade Secretary,

Agricultural Market Committee,

Kakinada, East Godavari District.

4. Two C.Cs. to the Government Pleader for Agriculture,

High Court Buildings, Hyderabad, (OUT)

5. Two C.D. copies.